



PATENT
Customer No. 22,852
Attorney Docket No. 04121.0064-03000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan L. GREENER et al.

Serial No.: 10/611,806

Filed: June 30, 2003

For: METHOD FOR MORE EFFICIENT
ELECTROPORATION

)
)
) Group Art Unit: 1636

) Examiner: James S. Ketter
)
)

Assistant Commissioner for Patents
Washington, DC 20231

TERMINAL DISCLAIMER

Sir:

Petitioner ("Assignee") Stratagene California, duly organized under the laws of the State of California and having its principal place of business at 11011 North Torrey Pines Road, La Jolla, California, 92037, represents that it is the only assignee of the entire right, title and interest in and to the above-identified U.S. Application No. 10/611,806, filed June 30, 2003, for Method for More Efficient Electroporation, in the names of Alan L. Greener and Bruce D. Jerpseth, as indicated by the assignment duly recorded in the U.S. Patent and Trademark Office at Reel 9812, Frame 0915, and the attached Certificate of Amendment of Restated Articles of Incorporation of Stratagene, which will be recorded at the U.S. Patent and Trademark Office.

Stratagene California further represents that it is and at all times was the only assignee of the entire right, title and interest in and to U.S. Application No. 09/253,703,

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filed February 22, 1999 (now U.S. Patent No. 6,040,184); U.S. Application No. 09/531,253, filed March 17, 2000 (now U.S. Patent No. 6,338,965 B1); and U.S. Application No. 10/052,241, filed January 15, 2002 (now U.S. Patent No. 6,586,249 B2) for Method for More Efficient Electroporation in the names of Alan L. Greener and Bruce D. Jerpseth, as indicated by the assignment duly recorded in the U.S. Patent and Trademark Office at Reel 9812, Frame 0915, and the attached Certificate of Amendment of Restated Articles of Incorporation of Stratagene, which will be recorded at the U.S. Patent and Trademark Office.

To obviate a double patenting rejection, Stratagene California hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified U.S. Application No. 10/611,806, which would extend beyond the expiration date of U.S. Patent Nos. 6,040,184, 6,338,965 B1, or 6,586,249 B2, and hereby agrees that any patent so granted on U.S. Application No. 10/611,806, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,040,184, 6,338,965 B1, and 6,586,249 B2, this agreement to run with any patent granted on U.S. Application No. 10/611,806 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 10/611,806 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,040,184, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,040,184 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 10/611,806 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,338,965 B1, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,338,965 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 10/611,806 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,586,249 B2, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,586,249 B2 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of assignee Stratagene California.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$110.00 to Deposit Account No. 06-0916. If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 10/13/04

By: Ronni Sherman
Ronni Sherman
Executive Vice President and General Counsel
Stratagene California

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CERTIFICATE OF AMENDMENT
OF

RESTATED ARTICLES OF INCORPORATION
OF
STRATAGENE

FILED

In the office of the Secretary of State
of the State of California

DEC 19 2003

Kevin Shelley
KEVIN SHELLEY, Secretary of State

The undersigned certifies that:

1. He is the Chief Executive Officer and Secretary of Stratagene, a California corporation (the "Corporation").
2. Article I of the Restated Articles of Incorporation of the Corporation is amended in its entirety to read as follows:

"I.

The name of this corporation is Stratagene California."

3. The foregoing amendment has been duly approved by the board of directors.
4. The foregoing amendment has been duly approved by the required vote of shareholders in accordance with Section 902 of the California Corporations Code. The total number of outstanding shares of the Corporation is One Hundred (100) shares of Common Stock and no shares of Preferred Stock. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

Date: December 9, 2003

Joseph A. Sorge

Joseph A. Sorge, M.D.
Chief Executive Officer

Joseph A. Sorge

Joseph A. Sorge, M.D.
Secretary



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